



Newsletter 1 January - February 2017

This is the Portuguese Ombudsman's newsletter in which it's presented its activities in January and February.

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The Portuguese Ombudsman traditional activity

The development of the Portuguese Ombudsman traditional activity is mainly substantiated by procedures that comes from citizen's complaints or are open by its own initiative, instructed and analyzed every day.

The Portuguese Ombudsman recommends amendments to the user charges exemption system

The Portuguese Ombudsman *recommended* to the Minister of Health the improvement of the conditions to access the exemption from user charges.

The Portuguese Ombudsman recommends to the Minister of the Environment to improve the environmental impact practices assessment

The Portuguese Ombudsman *recommended* to the Minister of the Environment the improvement of administrative practices introducing greater accuracy and coherence in the project's environmental impact assessment.



The Portuguese Ombudsman alerts the Secretary of State for Social Security to the urgency of implementing the necessary measures for the application of Article 98-N of the Labour Procedure Code

The Portuguese Ombudsman received a complaint about the delay and subsequent refusal of the Social Security Institute, I.P. (ISS, IP) to comply with a decision issued by the Lisbon Court of Appeal, from which results the obligation to be paid to the interested party the amounts due under Article 98-N of the Labour Procedure Code. Since the ISS, I.P. refused to act accordingly in this situation, the Ombudsman addressed a letter to the Secretary of State for Social Security *drawing attention to the situation* of the plaintiff and to the consequent need to adopt the measure to solve the problem. The Ombudsman recently insisted with the Secretary of State for Social Security, in order to solve this issue.

The Portuguese Ombudsman's recommendations on traffic signs and parking were welcomed

The Mayor of Lisbon and the National Director of the Public Security Police *announced the reception* of the recommendations made by the Ombudsman for the improvement of the administrative work on combustion vehicles parking in the supply terminals for electric vehicles.

The Ombudsman had recommended in articulation between these entities, the Municipal Police and the EMEL, the definition of the procedure to be adopted, in order, to ensure the presence of a police agent at the place where the undue parking has been signaled.

The Portuguese Ombudsman recommends to the Minister of Finance to improve the regime for replacing public money, especially when it concerns work remuneration

The Portuguese Ombudsman has received a number of complaints from public servants concerning the reimbursement of work remuneration, in some cases taking almost five years to settle. In several situations the departments informed the workers but without specifying the reasons why those amounts were considered to be undue and that would be made deductions from their salary.

This situation showed the need to promote a revision of the *Regime de Administração Financeira do Estado*. Following the Ombudsman's *interventions* on this matter, the Decree-Law no. 85/2016 was published; introducing alterations to the *Regime de Administração Financeira do Estado*.



The Portuguese Ombudsman's concerns were welcomed by the Secretary of State Assistant and of the Environment

The Portuguese Ombudsman received a communication from the Secretary of State Assistant and of the Environment *following the concerns expressed* by this body of State regarding the Exceptional and Temporary Legal Regime of Urban Rehabilitation, approved by Decree Law 53/2014. In an official letter addressed to the Ombudsman, the Secretary of State Assistant and of the Environment admitted to be in favor of revising the Decree Law.

The Portuguese Ombudsman position on Paralympic athlete's awards equity was welcomed

The Portuguese Ombudsman, following its own *suggestions*, points out that the prizes awarded to recognize the value and merit of Paralympic athletes will be equal to those awarded to Olympic athletes, approved by the 2017 State Budget, Article 95. With the approval of the 2017 State Budget the discrimination of the Paralympic athletes regarding the value of the sports prizes was totally eliminated, accordingly with the Universal Declaration of Human Rights and the Convention on the Rights of Persons with Disabilities.

The Portuguese Ombudsman, prisons and the 21st century: visits diary

Last year the Portuguese Ombudsman started to visit the Portuguese prisons under the project *The Portuguese Ombudsman, prisons and the 21st century: visits diary*. Progressively as visits are made a report is written. Most recently was published the report to the *Leiria Prison*. The Ombudsman also visited the Military Prison (December 7th) and the S. João de Deus Prison (January 17th).

The prisons visited, are: *Lisbon prison* (January 19th), *Tires prison* (February 4th), *Vale de Judeus prison* (February 23rd), *Coimbra prison* (April 18th), *Ponta Delgada prison* (May 4th), *Monsanto prison* (June 27th) and *Funchal prison* (July 19th) and the *Leiria Special Prison* (September 16th).

The community can monitor this project throughout the reports available in the institutional website.



The Portuguese Ombudsman as National Human Rights Institution

Commemorative dates

As National Human Rights Institution, the Portuguese Ombudsman points out, through various initiatives and messages available on its institutional website, some evocative dates. Within this newsletter' timeframe were celebrated the following dates: *International Day of Commemoration in Memory of the Victims of the Holocaust* (January 27th), *International Day of Zero Tolerance for Female Genital Mutilation* (February 6th) and the *World Day of Social Justice* (February 20th).

Other messages from the Portuguese Ombudsman

Portugal lost one of the most remarkable personalities of its recent history, Mário Soares. The Portuguese Ombudsman on a note published in the institutional website, on January 7th, regretted the death of Mário Soares.

On January 11th, the Ombudsman and President of FIO, payed tribute to the former President of the Republic remembering the dedication in the promotion and defense of human rights through the publication of the Master Conference made in 2002 at the 7th FIO Annual Congress.

The Portuguese Ombudsman as the National Preventive Mechanism

Visits

The *National Preventive Mechanism* made four visits to police forces detention places and to prisons. These visits were made without previous notice and took place in the Lisbon and Setubal area.

During this timeframe, nine recommendations were issued, addressed to the Chairman of the Board of Directors of Centro Hospitalar Barreiro Montijo, E.P.E. (*Recommendation 1*), to the Minister of Internal Administration (recommendations *2* and *4*), to the Secretary of State Assistant and of Justice (recommendations *3*, *6*, *7* and *9*), to the Director Reinsertion and Prison Services (recommendation *5*) and to the Commander of the Santarém District Command of the Public Security Police (recommendation *8*). Of the nine recommendations formulated, three are already complied (recommendations 1, 2 and 3).



International cooperation activities

First International Seminar of the Network of Ombudsmen and National Commissions of Human Rights of the Community of Portuguese Speaking Countries

On the 16th and 17th the Portuguese Ombudsman participated in the *First International Seminar of the Network of Ombudsmen and National Commissions for Human Rights of the Community of Portuguese Speaking Countries*, on *O Papel dos Provedores de Justiça e Comissões de Direitos Humanos na Garantia da Boa Governação* at the Joaquim Chissano International Conference Center in Maputo.



The opening session was chaired by His Excellency the President of the Republic of Mozambique.

The discussion promoted at this event was subdivided into three themes: *i) a garantia do cumprimento e eficácia das normas de organização e funcionamento da administração pública; ii) o suporte da defesa e promoção dos direitos humanos* and *iii) a garantia do direito à informação.*



The Portuguese Ombudsman delivered a conference on the *Natureza das Recomendações e o seu impacto na atuação da Administração Pública.*

During this visit to Mozambique, the Portuguese Ombudsman was received in audience by his Mozambican homonymous and visited the new office in Maputo.

It was also held a meeting of the Portuguese speaking countries' human rights institutions to discuss common objectives for the promotion and defense of human rights. At this meeting were present the Ombudsmen of Angola, Mozambique and Portugal, the Presidents of the National Human Rights Commissions of



Mozambique and Guinea Bissau, the Federal Prosecutor for Citizens' Rights of Brazil and the President of the Interministerial Commission of Human Rights of S. Tomé and Príncipe.



Participation in the Demos Project

On 23rd and 24th January, took place in Funchal, the first meeting of the *Demos Project* follow-up committee. This project goal is to develop a cooperation program to improve the Ombudsmen performance in the MAC Region, which includes the archipelagos of the Canary Islands and the Autonomous Regions of Madeira and the Azores, with the participation of Cape Verde, Mauritania and Senegal with the support of the European Regional Development Fund.

The goals to be achieved are: *i) melhorar o conhecimento das funções e acessibilidade dos Provedores de Justiça por parte dos cidadãos; ii) melhorar a eficiência e eficácia dos Provedores de Justiça and iii) promover a participação e a criação de uma cultura de transparência, eficiência e eficácia na Administração Pública.*

Portuguese Ombudsman participations

The Portuguese Ombudsman has received the President of the Regional Government of Azores

On January 3rd, the Portuguese Ombudsman received the President of the Government of the Autonomous Region of the Azores in audience for greetings.



Inauguration of the Bar Association President

On January 11th, the Portuguese Ombudsman was present at the inauguration of the Bar Association President, Guilherme Figueiredo, in Lisbon.

Journalists' 4th Congress

On January 12th, the Portuguese Ombudsman participated in the Opening Session of the Journalists' 4th Congress, at São Jorge Cinema, in Lisbon.

Name attribution ceremony of the former President of the Parliament

On January 18th, the Portuguese Ombudsman was present at the Name Attribution Ceremony of the former President of the Parliament, António Almeida Santos, to the Auditorium of the New Building of the Parliament, on the occasion of the 1st anniversary of his death, in Lisbon.



Signing Protocol Ceremony

On January 20th, the Portuguese Ombudsman participated in the signing protocol ceremony between the *Direção-Geral de Reinserção e Serviços Prisionais* and the *Instituto Nacional de Saúde Doutor Ricardo Jorge, I.P.* at the Ministry of Justice in Lisbon .

Other activities

Interviews

On 4th February was published the Ombudsman's interview to the online newspaper *ECO*.

On 22nd February the Ombudsman was interviewed by *Antena 1*.

Recent publications

- *Visit report to the Évora Prison*



THE PORTUGUESE OMBUDSMAN
In the defense of citizen's rights.

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[Portuguese Ombudsman Facebook Page](#)



O PROVIDOR DE JUSTIÇA

Na defesa do Cidadão: perceber para prover.